

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 29TH OCTOBER 2007 / 7TH KARTHIKA 1929

WP(C).No. 31793 of 2007(I)

PETITIONER:

**N.M.SREEDHARAN, S/O GOPALAN NAIR,
AGED 52 YEARS, NELLIMADATHIL HOUSE,
MUCHUKUNNU P.O., KOYILANDI VIA,
KOZHIKODE DISTRICT.**

BY ADV. SRI.P.R.SREEJITH

RESPONDENTS:

**1. MOODADI INTENSIVE AREA POTTERS
INDUSTRIAL CO-OP. SOCIETY LTD. NO.CIND(D)6,
P.O.MUCHUKUNNU, KOYILANDY VIA.,
KOZHIKODE DISTRICT, REPRESENTED BY ITS
SECRETARY.**

**2. ANIYOTH MADHAVAN NAIR,
PRESIDENT, MOODADI INTENSIVE AREA POTTERS
INDUSTRIAL CO-OP. SOCIETY LTD.NO.CIND(D)6,
P.O.MUCHUKUNNU, KOYILANDY VIA.,
KOZHIKODE DISTRICT.**

BY

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29/10/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

K.M.JOSEPH, J.

W.P.(c).No.31793 OF 2007

Dated this the 29th day of October , 2007

JUDGMENT

The prayer in the writ petition is to declare that Exts.P1, P3 and P4 proceedings against the petitioner are arbitrary, ultravires , illegal and void and to declare that the initiation of disciplinary proceedings as per Ext.P1, P3 and P4 against the petitioner is a malafide action and to quash Exts.P1, P3 and P4. A direction is also sought commanding the 1st and 2nd respondent to revoke Ext.P3 suspension order and permit the petitioner to join duty and continue in service.

2. Exts.P1, P3 ad P4 are proceedings issued by the Co-operative Society. Case of the petitioner appears to be that action against him including suspension is illegal, ultravires and the present enquiry against him is nothing, but victimisation. Counsel for the petitioner also submits that in this case the president who gave the complaint has also appointed the enquiry officer.

A writ petition may not lie against a Co-operative Society unless there is some statutory flavour of it. I am not inclined to entertain this writ petition. But, I make it clear that it is open to the petitioner if he is so advised to approach the authority under Section 69.

Writ petition is disposed of.

(K.M.JOSEPH, JUDGE)

sv.

